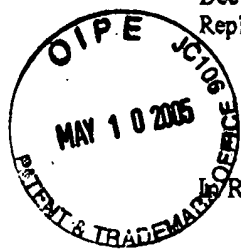


Application No. 10/757,810
Declaration of Orion Jankowski, Ph.D.
Reply to Office Action of February 9, 2005

Atty Dkt No. 8400-0011
Client No. S02-291



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Paul A. Wender et al.

Confirmation No.: 1195

Serial No.: 10/757,810

Group Art Unit: 1625

Filing Date: January 13, 2004

Examiner: Ba K. TRINH

Title: APOPTOLIDIN ANALOGS AND DERIVATIVES FOR INDUCING APOPTOSIS IN TRANSFORMED CELLS

DECLARATION UNDER 37 C.F.R. § 1.131 OF INVENTOR ORION D. JANKOWSKI, PH.D.

I, Orion D. Jankowski, declare:

1. I am an inventor of the subject matter claimed in the instant U.S. patent application.
2. The subject matter of the instant application was invented by Dr. Wender, myself, and Dr. Tabet in Dr. Wender's laboratory at Stanford University. Stanford University is the assignee of the subject invention. At the time of the invention, I was a graduate student in Dr. Wender's laboratory. I am currently a Scientist at Celera in South San Francisco.
3. I have read the Office Action dated February 9, 2005, and understand its contents. In particular, I understand that the Examiner is asserting that the claimed invention is not novel over Pennington et al., ORGANIC LETTERS 4(22):3823-3825 (2002). I also understand that under U.S. Patent Law, a reference that predates the filing date of a patent application by less than one year may be antedated with proof of prior invention.
4. As indicated on the first page of the Pennington et al. reference, the reference was published on the Internet on October 1, 2002.
5. Attached to the end of this paper is a witnessed page from my laboratory notebook that describes the claimed invention. The laboratory notebook page describes the procedure that was used to functionalize the hydroxyl group array of apoptolidin to form the claimed apoptolidin analogs and derivatives. The date of invention has been redacted to protect this confidential information; however, I declare that the date on the laboratory notebook is prior to the publication date of Pennington et al.

Application No. 10/757,810
Declaration of Orion Jankowski, Ph.D.
Reply to Office Action of February 9, 2005

Atty Dkt No. 8400-0011
Client No. S02-291

6. All statements made herein of my own knowledge or on information and belief are made with the knowledge that willful false statements are punishable under 18 U.S.C. § 1001 and may jeopardize the validity of the application or any patent issuing thereon.

Dated: April 22, 2005

By: 

Orion D. Jankowski, Ph.D.

